

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HONORIO R. MALLARI,	)	Case No. 12-2876-SC
	)	
Plaintiff,	)	ORDER DENYING EX PARTE
	)	APPLICATION FOR TEMPORARY
v.	)	RESTRAINING ORDER AND ORDER
	)	<u>TO SHOW CAUSE</u>
JP MORGAN CHASE BANK NATIONAL	)	
ASSOCIATION, et al.,	)	
	)	
Defendants.	)	
_____	)	

Now before the Court is Plaintiff Honorio R. Mallari's ("Plaintiff") ex parte application for (1) a temporary restraining order and (2) order to show cause why a preliminary injunction should not issue, both directed against Defendants JP Morgan Chase Bank National Association and California Reconveyance Company (collectively, "Defendants"). ECF No. 2 ("EPA").<sup>1</sup> Plaintiff filed the ex parte application on June 4, 2012, seeking immediate injunctive relief to forestall Defendants' foreclosure of Plaintiff's home, which was scheduled to occur on June 13, 2012.

See EPA ¶ 2.

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<sup>1</sup> The ex parte application does not mention the two other defendants named in this case: Advantage Home Finance and Alliance Title Company. See EPA at 1. Therefore, this Order does not address those defendants.

1 The Court twice attempted to give Plaintiff a hearing on his  
2 ex parte application, first on June 8, then again on June 12. See  
3 ECF Nos. 10 ("June 8 Minutes"), 12 ("June 12 Minutes"). On both  
4 occasions, counsel for Plaintiff appeared and admitted that  
5 Defendants had not been served with notice of the hearing. Both  
6 times, the Court declined to hear the matter. After the second  
7 attempt, the Court removed the matter from its calendar. See June  
8 12 Minutes. The Court heard nothing further from Plaintiff until  
9 July 2, when Plaintiff's counsel, along with counsel for  
10 Defendants, entered a stipulation pursuant to Civil Local Rule 6-  
11 1(a), extending the time for Defendants to respond to the  
12 Complaint. ECF No. 14 ("Stip.").

13 Because Plaintiff has not renewed his attempts to secure ex  
14 parte relief, the Court deems the ex parte application to have been  
15 withdrawn. Accordingly, the Court DENIES Plaintiff's ex parte  
16 application. The denial is made without prejudice.

17  
18 IT IS SO ORDERED.

19  
20 Dated: July 23, 2012

  
UNITED STATES DISTRICT JUDGE